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PATENT

Attorney Reference Number 4239-55272-01
Application Number 09/745,696

Remarks:

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1 and 4-57 are pending in the application. No claims have been allowed. Claims 1, 49, 50, 51, and 57 are independent. The amendments herein do not necessarily narrow the scope of the claims.

Cited Art

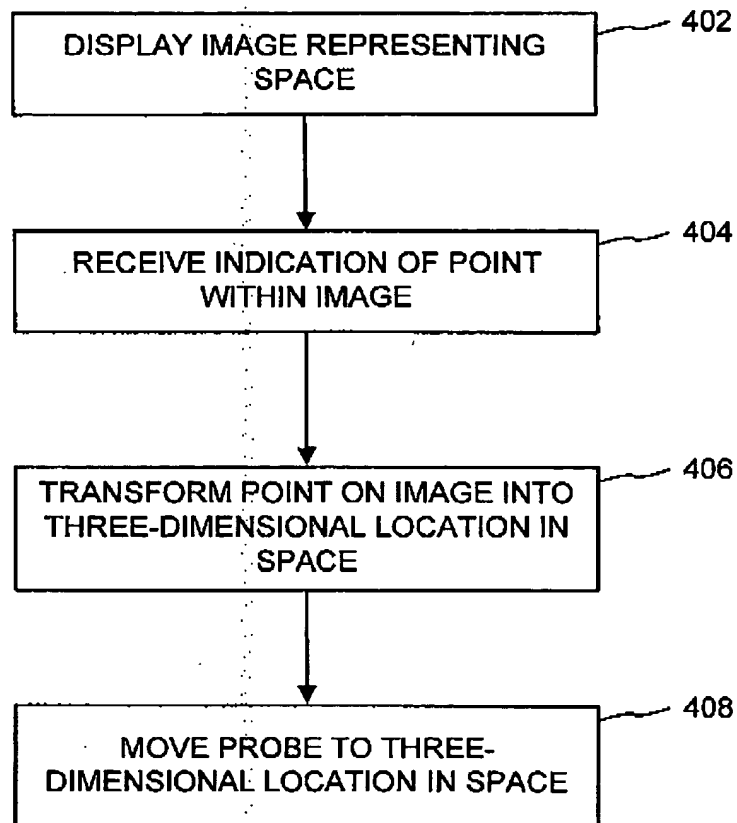
U.S. Patent No. 5,886,684 to Miura et al. ("Miura") is entitled "Micromanipulator system with multi-direction control joy stick and precision control means."

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Example Chain of Events for Discussion Purposes

FIG. 4



Interview Summary

Applicants thank the Examiner for his time during a telephonic interview on March 24, 2005. Claims 2 and 17 were discussed. Agreement was reached that the “wherein positioning is performed responsive to receiving the user indication of the location” language of former claim 2 is not taught or suggested by Miura. The Examiner also indicated that the “transforming the location . . . to . . . three-dimensional location” language of former claim 3 would differentiate over the prior art, subject to a possible updated search. The language of former claims 2 and 3 has now been moved into independent claim 1.

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Patentability of Claims 1, 8-13, 17-19, 25-37, 40-42, 44, 46, and 50 over Miura under § 102(a)

The language “wherein the positioning is performed responsive to receiving the user indication of the location” has been moved into claim 1. Claim 1 and its dependent claims 4-48 are therefore allowable over Miura. Claim 1 further includes the “transforming the location . . . to . . . three-dimensional location” language.

Claim 50 already contains the language “responsive to receiving the user indication of the location within the graphical representation” and is therefore allowable over Miura. Applicants have added similar “transforming the location . . . to . . . three-dimensional location” language to claim 50 as well.

Patentability of Claims 4-7, 20-24, 49, and 57-58 over Miura and Reinhardt under § 103(a)

The Action rejects claims 4-7, 20-24, 49, and 57-58 under 35 U.S.C. § 103(a) as unpatentable over Miura and Reinhardt. Claim 1 has now been amended to include language not taught or suggested by Miura. As understood by Applicants, Reinhardt does not contain any sufficient additional disclosure that would teach or suggest the claimed arrangement of claim 1. Therefore, claim 1’s dependent claims, 4-48, are allowable over Miura and Reinhardt.

Claim 49 recites “transforming the focus location and the location on the graphical image representing the specimen into a three-dimensional information” and is therefore allowable over Miura and Reinhardt.

Claim 57 recites “means for transforming the user indication of the location within the graphical representation of the specimen to a three-dimensional location” and is therefore allowable, along with dependent claim 58, over Miura and Reinhardt.

Patentability of Claims 14-16 over Miura and Axioskop 2 under § 103(a)

The Action rejects claims 14-16 under 35 U.S.C. § 103(a) as unpatentable over Miura and Axioskop 2. Claim 1 has now been amended to include language not taught or suggested by Miura. As understood by Applicants, Axioskop 2 does not contain any sufficient additional disclosure that would teach or suggest the claimed arrangement of claim 1. Therefore, claim 1’s dependent claims, 4-48, are allowable over Miura and Reinhardt.

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Patentability of Claims 51-56 over Miura and VanArsdale under § 103(a)

The Action rejects claims 51-56 under 35 U.S.C. § 103(a) as unpatentable over Miura and VanArsdale. Claim 51 recites "a converter operable to convert the location on the two-dimensional representation of the specimen into three-dimensional information" and is therefore allowable, along with dependent claims 52-56, over Miura and VanArsdale.

Properly Entered After Final Rejection

The amendments herein can be properly entered after final rejection without raising new issues or requiring a new full search because the subject matter mimics that of former claims 2 and 3, which were considered and searched in earlier Actions.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

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Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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